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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,850	07/28/2006	Max Mayer		9774
7590 Bernhard Bausenwein Eichenstr 32 Hagelstadt, D-93095 GERMANY				
EXAMINER				
CHAPEL, DEREK S				
ART UNIT		PAPER NUMBER		
2872				
MAIL DATE		DELIVERY MODE		
09/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,850

**Applicant(s)**

MAYER ET AL.

**Examiner**

DEREK S. CHAPEL

**Art Unit**

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-25 is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

### ***Election/Restrictions***

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-8 and 21-24, drawn to a reciprocal polarizer comprising at least three polarizing layers, polarizing layers P1 and P2 being arranged along a first optical axis

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A1 such that V1 of P1 together with A1 span a plane E1 that is perpendicular to the plane E2 spanned by V2 of P2 and A1 (designated by the term "mutual complementarity" of P1 and P2), polarizing layers P1 and P3 being arranged along a second optical axis A2 such that V1 of P1 together with A2 span a plane E3 that is perpendicular to the plane E4 spanned by V3 of P3 and A2 (designated by the term "mutual complementarity" of P1 and P3), optical axes A1 and A2 intersecting in P1, cutting angle between N1 and A1 equaling cutting angle between N1 and A2, and the polarizing layers being positioned such that in the light path a transmission at P1 being coupled to a reflection at P2 along the axis A1 and a reflection at P1 being coupled to a transmission at P3 along the axis A2 are coupled (designated by the term "reciprocal polarization").

Group II, claims 9 and 19, drawn to a reciprocal polarizer comprising two polarizing layers, polarizing layers P1 and P2 being arranged along a first optical path S1, which is folded by n reflecting means ( $n=1,2,3,\dots$ ) such that the plane E1, which is spanned by V1 and the optical axis of S1 in P1, and the plane E2, which is spanned by V2 and the optical axis of S1 in P2, have a correlation such that the mirrored plane E1\*, which is derived from E1 by successive reflections at said n reflecting means, is perpendicular to E2 (designated by the term "mutual complementarity" of P1 and P2), polarizing layers P1 and P2 being arranged along a second optical path S2, which may be folded by n reflecting means ( $n=0,1,2,\dots$ ) such that the plane E3, which is spanned by V1 and the optical axis of S2 in P1, and the plane E4, which is spanned by V2 and the optical axis of S2 in P2, have a correlation such that the mirrored plane E3\*, which is derived from E3 by successive reflections at said n reflecting means, is perpendicular to E4 (designated by the term "mutual complementarity" of P1 and P2), said two optical paths S1 and S2 intersecting in P1 with equal cutting angles between N1 and S1 and between N1 and S2, the architecture of the system coupling the transmission at P1 along S1 to a reflection at P2 and the corresponding reflection at P1 to a transmission at P2 along S2.

Group III, claims 10-18, 20 and 25, drawn to a reciprocal polarizer comprising at least three polarizing layers, polarizing layers P1 and P2 being arranged along a first optical path S1, which is folded by n reflecting means ( $n=1,2,3,\dots$ ) such that the plane E1, which is spanned by V1 and the optical axis of S1 in P1, and the plane E2, which is spanned by V2 and the optical axis of S1 in P2, have a correlation such that the mirrored plane E1\*, which is derived from E1 by successive reflections at said n reflecting means, is perpendicular to E2 (designated by the term "mutual complementarity" of P1 and P2), polarizing layers P1 and P3 being arranged along a second optical path S2, which may be folded by n reflecting means ( $n=0,1,2,\dots$ ) such that the plane E3, which is spanned by V1 and the optical axis of S2 in P1, and the plane E4, which is spanned by V3 and the optical axis of S2 in P3, have a correlation such that the mirrored plane E3\*, which is derived from E3 by successive reflections at said n reflecting means, is perpendicular to E4 (designated by the term "mutual complementarity" of P1 and P3), said two optical paths S1 and S2 intersecting in P1

with equal cutting angles between N1 and S1 and between N1 and S2, the architecture of the system coupling the transmission at P1 along S1 to a reflection at P2 and the corresponding reflection at P1 to a transmission at P3 along S2.

3. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the claims have limitations drawn to mutually exclusive corresponding special technical features, as set forth in the groupings above.

4. A telephone call was not made to Dr. Bernhard Bausenwein to request an oral election to the above restriction requirement because Dr. Bausenwein is in Germany and there is no telephone number on record.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Objections***

6. Claims 1-25 are objected to as being generally narrative and indefinite, as well as failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Examples of errors include, but are not limited to:

- a. "reflexion" should be spelled --reflection--, see at least the fifth line of claim 1;
- b. "resp." should not be abbreviated, see at least the seventh line of claim 1;
- c. The claims should not contain quotation marks, see at least lines 14 and 15 of claim 1.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEREK S. CHAPEL whose telephone number is (571)272-8042. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S. C./  
Examiner, Art Unit 2872  
8/25/2008

/Stephone B. Allen/  
Supervisory Patent Examiner  
Art Unit 2872